GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:2484
ANSWERED ON:16.12.2008
MISUSE OF PROVISIONS FOR PROTECTION OF WOMEN
Manoj Dr. K.S.

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government has received representations seeking amendments to certain provisions in the existing laws such as the Indian Penal Code, Dowry Prohibition Act,Domestic Violence Act, etc. in view of misuse of such provisions relating to the protection of women;

(b) if so,the details thereof and the reaction of the Government thereto;

(c) the criteria followed by the Crime against Women Cell set up under the Delhi Police Act to register cases;

(d) whether any complaints have been received regarding delay in action/no action taken on the cases registered with the said Cell;

(e) if so,the details thereof and the action taken in the matter;

(f) whether instances have been reported of false cases registered with the said Cell against senior citizens;and

(g) if so,the details thereof and the steps taken to protect the senior citizens against such false complaints?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SHRIMATI RADHIKA V. SELVI)

(a)&(b): A number of representations have been received for seeking amendment to Section 498A of IPC to make the offence bailable and compoundable.Apart from that,Ministry of Women and Child Development have also received a number of representations seeking amendment to section 498A of IPC,section 304B of IPC and Domestic Violence Act.The Criminal Law (Amendment) Bill,2003 had, inter alia,a proposal to amend Section 320 of the Cr.P.C. to enable compounding of the offence under section 498A IPC (of cruelty by husband or relatives of husband).The proposal was not pursued.The Ministry of Women and Child Development were also consulted on the issue recently.That Ministry is not in favour of diluting the provisions of Section 498A of IPC.

(c): According to the information received from the Delhi Police,as per the guidelines issued by the Hon'ble High Court of Delhi in the matter of Chander Bhan & Anr. Vs. State in matters of matrimonial disputes,the first attempt of Crime Against Women Cells is to look at the broad picture and to ensure harmony in the family unit.Only on failure of these reconciliation attempts and there being no possibility of any settlement,the law is allowed to take its course i.e. registration of case.

(d)&(e): As informed by Delhi Police,no such complaint specifically alleging delay or inaction has been received by the Crime Women Cell.Moreover, no occasion for delay arises since the victim or complainant is involved at every step.

(f)&(g): Information is being collected and will be laid on the Table of the House.